

REMARKS/ARGUMENTS

In response to the Office Action mailed October 5, 2009 Applicants amend their application and request reconsideration in view of the amendments and the following remarks. In this amendment, claim 1 is amended, claim 8 has been cancelled without prejudice and no claims have been added, so that claims 1-7 are currently pending. No new matter has been entered.

Claims 1,2, 4 and 6-8 were rejected as being anticipated by US Patent No. 6,364,895 to Greenhalgh (Greenhalgh). This rejection is respectfully traversed.

Anticipation exists only if all of the elements of the claimed invention are present in a system or method disclosed, expressly or inherently, in a single prior art reference. Therefore, if it can be shown that there is one difference between the claimed invention and what is disclosed in the single reference, there can be no anticipation.

Greenhalgh discloses an intraluminal filter for vascular use during medical procedures. It is delivered via a catheter and remains tethered thereto.

The invention claimed in amended independent claim 1 claims a medical device having three sections. First and second filter sections formed into a plurality of cells and a central section formed from longitudinal oriented struts. Greenhalgh does not disclose a central section. Nor does he disclose a device that may be implanted within a vessel as is claimed in the present invention. Since these elements are not taught or even suggested, there can be no anticipation. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Claim 3 was rejected as being unpatentable over Greenhalgh in view of US Patent No. 6,551,342 to Shen et al. (Shen). Claim 5 was rejected as being unpatentable over Greenhalgh in view of US Patent No. 5,836,969 to Kim et al. (Kim). These rejections are respectfully traversed.

In order to make a finding of obviousness, an Examiner must (1) determine the scope and content of the prior art, including non-analogous art if it is in the field of endeavor reasonably related to the particular problem to which the claimed invention is directed, (2) ascertain the differences between the claimed invention and the prior art, considering both the prior art and claimed invention as a whole, and (3) resolve the level of ordinary skill in the art at the time of the invention, factoring in the creativity that one of ordinary skill in the art would employ as well as the Examiner's own knowledge and technical expertise.

It is respectfully submitted that the references taken as a whole fail to disclose or suggest all of the claimed limitations.

Shen discloses an intravascular filter device for use in collecting debris which may occur as a result of an intravascular procedure. Once a procedure is complete, the filter is resheathed and removed. Shen fails to cure the deficiencies in Greenhalgh as described above. Therefore, the combination of references fails to disclose or suggest the claimed invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Kim discloses a vena cava filter. The device comprises an emboli capturing portion having a set of helical filter wires joined at a central region and extending in a given direction along the blood vessel in a diverging relationship to the axis of the filter. The wires terminating at free ends constructed to engage the walls of the vessel. Kim fails to

cure the deficiencies in Greenhalgh as described above. Therefore, the combination of references fails to disclose or suggest the claimed invention. Accordingly, reconsideration and withdrawal of the rejection is respectfully requested.

Applicant would be grateful for the opportunity to conduct a telephonic or in-person interview if the Examiner believes it would be helpful in disposing of the present case.

A favorable action on the merits is earnestly solicited.

Respectfully submitted,

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